

**Richard N. VanCleave**, OSB No. 80392  
rvanceleave@barran.com  
**Brenda K. Baumgart**, OSB No. 99216  
bbaumgart@barran.com  
Barran Liebman LLP  
601 SW Second Avenue  
Suite 2300  
Portland, Oregon 97204-3159  
Telephone: (503) 228-0500  
Facsimile: (503) 274-1212  
Attorneys for Defendants Dell, Inc., and Dell Marketing USA, L.P.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

DAVID NORMAN and WALTER ROMAS,  
individually, and on behalf of a class of others  
similarly situated,

CV. 07-6028-TC

Plaintiffs,

v.

DELL INC.; and DELL MARKETING USA,  
L.P., and

SPHERION CORPORATION,

Defendants.

**DECLARATION OF BRENDA K.  
BAUMGART IN SUPPORT OF  
DEFENDANT DELL MARKETING  
USA, L.P.'S MOTION FOR LEAVE  
TO FILE OVERLENGTH BRIEF  
PURSUANT TO L.R. 7.2(b)**

I, BRENDA K. BAUMGART, state as follows:

1. I am one of the attorneys for Defendants Dell Inc. and Dell Marketing USA, L.P.  
in the above-captioned matter.
2. Defendants are preparing their Response in Opposition to Plaintiffs' Motion for

Page 1 - DECLARATION OF BRENDA K. BAUMGART IN SUPPORT OF DEFENDANT  
DELL MARKETING USA, L.P.'S MOTION FOR LEAVE TO FILE OVERLENGTH  
BRIEF PURSUANT TO L.R. 7.2(b)

Certification Under 29 U.S.C. §216(b) and Fed. R. Civ. P. 23, which is due on February 29, 2008.

3. Plaintiffs' Motion for Certification and supporting Memorandum combines two separate motions: (1) for certification of a FLSA collective action under 29 U.S.C. §216(b), and (2) for certification of a class action under Oregon law/Fed. R. Civ. P. 23. Dell has prepared a combined opposition brief in response to both motions. Although Dell has worked diligently to streamline their arguments, the brief nevertheless will exceed the 35-page limitation.

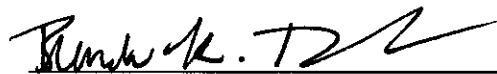
4. We have conferred with Plaintiffs' counsel, who has no opposition to Dell Inc. and Dell Marketing USA, L.P.'s Response in Opposition to Plaintiffs' Motion for Certification Under 29 U.S.C. §216(b) and Fed. R. Civ. P. 23 exceeding the 35 page limitation by 10 pages in length, but opposes an extension beyond this length.

5. Plaintiffs have filed two motions as one. Further, Plaintiffs' request for conditional certification under the FLSA and certification of a class action under Oregon law/Rule 23 requires specific factual support. A sizeable portion of Dell's opposition brief is devoted to thoroughly addressing key factual issues, which were largely stated as conclusory allegations in Plaintiffs' Memorandum. For these reasons, an overlength opposition brief of up to 55 pages is necessary.

6. This Motion is made in good faith.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of February, 2008.



Brenda K. Baumgart

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of February, 2008, I served the foregoing **DECLARATION OF BRENDA K. BAUMGART IN SUPPORT OF DEFENDANT DELL MARKETING USA, L.P.'S MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF PURSUANT TO L.R. 7.2(b)** on the following parties at the following addresses:

Derek C. Johnson  
Douglas G. Schaller  
Johnson, Clifton, Larson & Schaller, P.C.  
975 Oak Street  
Citizen's Building, Suite 1050  
Eugene, Oregon 97401

George A. Hanson  
Matthew L. Dameron  
Stueve Siegel Hanson Woody LLP  
330 West 47th Street, Suite 250  
Kansas City, MO 64112

ATTORNEYS FOR PLAINTIFFS

Craig J. Capon  
Christine Nesbit  
Harrang Long Gary Rudnick P.C.  
360 East 10th Ave., Suite 300  
Eugene, OR 97401-3248

Samuel T. McAdam  
Alfred L. Sanderson, Jr.  
Joel Van Parys  
Seyfarth Shaw LLP  
400 Capitol Mall, Suite 2350  
Sacramento, CA 95814-4428

ATTORNEYS FOR DEFENDANT  
SPHERION CORPORATION

By causing the same to be: ☒ e-mailed ☐ mailed ☐ hand delivered ☐ faxed to them a true and correct copy thereof.

  
Brenda K. Baumgart